

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

\$7,267.00, MORE OR LESS, IN
UNITED STATES CURRENCY

Defendant.

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CIVIL ACTION NO. 05-477-WS-M

ORDER OF FORFEITURE

On August 12, 2005, a verified complaint for forfeiture in rem was filed on behalf of the United States against the defendant \$7,267.00, more or less, in U.S. Currency, to enforce the provisions of Title 21, United States Code, Section 881(a)(6).

Pursuant to the warrant of arrest in rem issued by the Court on August 15, 2005, the defendant currency was seized.

Notice of this seizure and forfeiture action, of the right of all third parties to petition the court within thirty (30) days for a hearing to adjudicate the validity of their alleged interest in the property, and of the intent of the United States to dispose of the property in accordance with the law, was published in the *Mobile Register*, a newspaper of general circulation in the Southern District of Alabama, on August 24, 25, 26, 29, 30, and 31, 2005.

All identifiable possible claimants were served. All possible claimants have had adequate notice and time in which to file a claim and an answer.

On October 6, 2005, claimants Robert Youman, Jr., and Lillie S. Youman (collectively, "Claimants") filed Verified Statements of Interest. On October 21, 2005, Claimants filed answers to the complaint. Although Claimants initially appeared *pro se*, attorney Barbara Hobbs subsequently requested and received permission to appear *pro hac vice* as counsel of record for Claimants herein. No other possible claimants to the subject currency have filed statements of interest or responsive pleadings, or have otherwise appeared in this action at any time.

On February 7, 2006, the Government and Claimants filed a Stipulation and Consent to Entry of Order of Forfeiture and Release and Settlement of All Claims, in which the United States and Claimants agreed to divide the subject currency in half. Specifically, the Government agreed to return to Claimants, by and through their counsel of record, some \$3,633.50 in U.S. Currency, seized by and in the custody of the U.S. Marshals Service, while Claimants agreed to forfeit to the Government all remaining seized monies, namely \$3,633.50, with each party to bear his, her or its own costs.

Process was fully issued in this action for the forfeiture of the defendant property under the complaint for forfeiture in rem filed herein on August 12, 2005.

With the parties having reached a compromise and an agreement to the disposition of the defendant \$7,267.00, more or less, in U.S. Currency, as hereinabove described and as more fully set forth in the Release and Settlement of All Claims and Stipulation and Consent to Entry of Order of Forfeiture, and no other claims, answers, or pleadings having been filed in opposition to the forfeiture of the defendant currency, and there being no remaining issues, the above-captioned action may now be concluded. All possible claimants have had adequate notice and time in which to file a claim and an answer, but none other than Claimants have availed

themselves of that opportunity.

NOW, THEREFORE, the Court having considered the matter and having been fully advised in the premises, it is **ORDERED, ADJUDGED, and DECREED** as follows:

1. That this Court has jurisdiction over the subject matter, and that the complaint states a claim upon which relief may be granted.
2. That in accordance with the Release and Settlement of All Claims and Stipulation and Consent to Entry of Order of Forfeiture and Release and Settlement of All Claims, \$3,633.50 of the \$7,267.00 in U.S. Currency seized by the U.S. Marshals Service is **ordered** to be returned to Claimants Robert Youman, Jr., and Lillie S. Youman through their attorney, Barbara Hobbs, 462 W. Brevard Street, Tallahassee, Florida 32308. The remaining \$3,633.50 in U.S. Currency is **forfeited** to the United States of America pursuant to the provisions of Title 21, United States Code, Section 881(a)(6). All other claims by and between the Government and Claimants concerning rights of ownership in or forfeiture of the defendant currency are **dismissed**.
3. That each party is to bear his, her or its own costs and attorney's fees.

DONE and ORDERED this 7th day of February, 2006.

s/ WILLIAM H. STEELE
UNITED STATES DISTRICT JUDGE